

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to update the Commission's policies and procedures related to electromagnetic fields emanating from regulated utility facilities.

Rulemaking 04-08-020

**COMMENTS
OF THE DIVISION OF RATEPAYER ADVOCATES
ON THE DRAFT DECISION**

Pursuant to Commission Rule 77.3, the Division of Ratepayer Advocates ("DRA", formerly ORA) submits these comments on the Draft Decision (DD) of ALJ DeBerry, mailed December 27, 2005. DRA supports the DD, and proposes minor modifications. The Commission should keep the proceeding open so it can review the WHO's upcoming EMF study on the record, and the Commission should adopt ORA's mitigation benchmark flexibility proposal.

**I. THE COMMISSION SHOULD KEEP THE PROCEEDING
OPEN SO IT CAN REVIEW THE WHO'S UPCOMING
EMF STUDY ON THE RECORD**

Regarding the issue of consideration of new scientific data and studies, the DD proposes to close the proceeding and "direct the Commission's Energy Division to monitor and report on new EMF related scientific data as it becomes available. When new scientific research becomes available, we will then consider opening a new rulemaking." (DD at 16). The DD also refers to "an anticipated scientific EMF study due from the WHO." (DD at 15).

Little scientific data and study was presented by the parties during the proceeding. If the Commission follows through and closes the proceeding, it is not clear how parties will be apprised of or comment upon any new EMF related scientific data that the Energy Division will monitor and report on to the Commission. Because the WHO is expected to produce a scientific EMF study soon, the Commission should keep the proceeding open until it has had an opportunity to review and consider the WHO's EMF study. DRA notes that Energy Division should review WHO's recently published a fact sheet on electromagnetic hypersensitivity.¹

II. THE COMMISSION SHOULD ADOPT DRA'S MITIGATION BENCHMARK FLEXIBILITY PROPOSAL

The DD proposes to adopt DRA's mitigation benchmark flexibility proposal, to "consider minor increases above the [total budgeted project cost] 4% benchmark if justified under unique circumstances, but not as a routine application in utility design guidelines. We add the additional distinction that any EMF mitigation cost increases above the 4% benchmark should result in significant EMF mitigation to be justified, and the total costs should be relatively low." (DD at 7).

DRA supports the DD's adoption of DRA's mitigation benchmark flexibility proposal. The details of mitigation benchmark flexibility and a standardized table of reduction measures, referred to by the DD at page 13, can be worked out in upcoming workshops.

¹ WHO, fact sheet No. 296, "Electromagnetic fields and public health, Electromagnetic Hypersensitivity," December 2005, <http://www.who.int/mediacentre/factsheets/fs296/en/print.html>

III. CONCLUSION

For the reasons discussed above, DRA recommends minor modifications to the DD.

Respectfully submitted,

Elizabeth Dorman
Staff Counsel

Attorney for the Division of Ratepayer
Advocates

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-1415
Fax: (415) 703-2262

January 17, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “**COMMENTS OF THE OFFICE OF RATEPAYERS ADVOCATES ON DRAFT DECISION**” in **R.04-08-020** by using the following service:

☒ **E-Mail Service:** sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

☐ **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on January 17, 2006, at San Francisco, California.

NELLY SARMIENTO

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address and/or e-mail address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.
